

ORDINANCE NO. 13,782

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 2A-5 of the Municipal Code of the City of Des Moines, 1991, by rezoning and changing the district classification of certain property located on the southeast corner of 31st Street and University Avenue from an "R-3" Multiple Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 2A-5 of the Municipal Code of the City of Des Moines, Iowa, 1991, be and the same is hereby amended by rezoning and changing the district classification of certain property located on the southeast corner of 31st Street and University Avenue, more fully described as follows, from an "R-3" Multiple Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

A part of Lots 19 through 31, the Vacated East/West alley lying South of and adjoining to Lots 20 through 25, and the 14.0 foot North/South alley right of way being a part of Lot 31, all within Kingman Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows :

Beginning at the Southwest corner of said Lot 26; thence North 00° (Degrees), 01' (Minutes), 15" (Seconds), East along the West line of said Lot 26 a distance of 46.73 feet; thence $11^{\circ} 26' 26''$ East a distance of 64.38 feet; thence North $00^{\circ} 05' 36''$ East a distance of 152.21 feet; thence North $89^{\circ} 33' 12''$ East a distance of 261.71 feet; thence North $89^{\circ} 51' 01''$ East a distance of 55.63 feet to a point on the East line of said Lot 19; thence South $00^{\circ} 10' 42''$ East a distance of 120.37 feet to the Southeast corner of said Lot 19; thence South $89^{\circ} 52' 59''$ West along the South line of said Lot 19 a distance a distance of 51.43 feet; thence South $03^{\circ} 38' 28''$ West a distance

of 14.03 feet to the Northwest corner of Lot 32, in said Kingman Place; thence South 00 ° 52' 06" West along the West line of said Lot 32 a distance of 130.59 feet; thence South 89 ° 54' 41" East a distance of 14.0 feet to the Southeast corner of said Lot 31; thence North 89 ° 52' 14" West along the South lines of said Lots 31 through 26 a distance of 263.47 feet to the point of beginning.

Sec. 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

1. Any commercial building constructed on the Property shall have an all brick exterior, and the brick and shingle materials that are used shall be of a color theme that is consistent with the more recently constructed brick buildings on the Drake University campus.
2. As part of any commercial redevelopment of the Property, the following actions shall be taken:
 1. Pedestrian scale landscaping and seating areas shall be provided along 31st Street and University Avenue adjacent to pedestrian access points.
 2. A pedestrian access point shall be provided to the southeast along Brattleboro Avenue.
 3. A berm and additional landscaping shall be installed along both 31st Street and University Avenue.
 4. Any parking to be located between any commercial building on the Property and University Avenue shall not exceed one row of parking and the required maneuvering aisle.
 5. To the extent reasonably feasible, the existing mature trees shall be saved.
3. There shall be no direct vehicular access between the Property and Brattleboro Avenue.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Diane Rauh, Chief Deputy City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 00-101), passed by the City Council of said City at a meeting held January 3, 2000, signed by the Mayor on January 3, 2000, and published as provided by law in the Business Record on January 17, 2000. Authorized by Publication Order No. 6373.

Diane Rauh,
Chief Deputy
City Clerk